

# SENATE BILL 751

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HB 1187/09 – ENV

11r2486

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By: **Senator Manno**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Dishwashing Detergent Containing Phosphorus – Penalties**

3 FOR the purpose of altering the penalty for selling, manufacturing, or distributing  
4 certain household dishwashing detergents after a certain date; establishing that  
5 each pound of a cleaning agent sold, distributed, or manufactured in violation of  
6 a certain provision of law is a separate violation; repealing obsolete language;  
7 and generally relating to dishwashing detergents containing phosphorus.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 9–1503 and 9–1505  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2010 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Environment**

16 9–1503.

17 (a) Except as provided in subsection (b) of this section, a person may not use,  
18 sell, manufacture, or distribute for use or sale within the State any cleaning agent  
19 that contains more than 0.0 percent phosphorus by weight expressed as elemental  
20 phosphorus except for an amount not exceeding 0.5 percent phosphorus that is  
21 incidental to manufacturing.

22 (b) Except as provided in subsection (c) of this section, a person may use, sell,  
23 manufacture, or distribute for use or sale a cleaning agent that contains greater than  
24 0.0 percent phosphorus by weight, but does not exceed 8.7 percent phosphorus by  
25 weight that is:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (1)    A detergent used in a dishwashing machine, whether commercial  
2 or household; or

3           (2)    A substance the Secretary, by rule and regulation, excludes from  
4 the 0.0 percent phosphorus limitation of subsection (a) of this section based on a  
5 finding that compliance with this section would:

6                   (i)    Create a significant hardship on the user; or

7                   (ii)   Be unreasonable because of the lack of an adequate  
8 substitute cleaning agent.

9           (c)    [After July 1, 2010, a] A person may not use, sell, manufacture, or  
10 distribute for use or sale within the State any detergent for use in a household  
11 dishwashing machine that contains more than 0.5 percent phosphorus by weight.

12 9–1505.

13           (a)    (1)    Any person who uses a cleaning agent in violation of this subtitle is  
14 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100.

15                   (2)    (I)    [Any] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
16 **THIS PARAGRAPH, ANY** person who sells, distributes, or manufactures a cleaning  
17 agent in violation of this subtitle is guilty of a misdemeanor and on conviction is  
18 subject to a fine not exceeding \$1,000.

19                           **(II) 1. ANY PERSON WHO SELLS, DISTRIBUTES, OR**  
20 **MANUFACTURES A CLEANING AGENT IN VIOLATION OF § 9–1503(C) OF THIS**  
21 **SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A**  
22 **FINE OF \$1,000 FOR EACH VIOLATION BUT NOT EXCEEDING A TOTAL OF**  
23 **\$500,000.**

24                                   **2. EACH POUND OF A CLEANING AGENT SOLD,**  
25 **DISTRIBUTED, OR MANUFACTURED IN VIOLATION OF § 19–1503(C) OF THIS**  
26 **SUBTITLE IS A SEPARATE VIOLATION.**

27           (b)    The Department may seize any cleaning agent held for sale or  
28 distribution in violation of this subtitle. The seized cleaning agents are considered  
29 forfeited.

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2011.